

REPORT OF THE INTERNAL SECURITY SUBCOMMITTEE OF
THE SENATE JUDICIARY COMMITTEE

THE EPISODE OF THE RUSSIAN SEAMEN

During the course of its inquiry into the scope and nature of Soviet activity in the United States, the Senate Internal Security Subcommittee learned that five Russian Seamen, who had sought asylum in the United States, had redefected and returned to the Soviet Union. There were indications that Soviet activity here had set this event in motion and the Subcommittee sought, in discharge of its legislative mandate, to learn the circumstances surrounding this activity.

After an inquiry of fifteen days, the Subcommittee has unanimously arrived at specific findings and has come to certain conclusions and recommendations.

FACTS

The Soviet tanker Tuapse, while carrying jet fuel to Red China on June 23, 1954, was intercepted and brought into port by the Chinese Navy. At the time, the Tuapse had a crew of 49 men. These 49 were taken to Formosa, the Chinese Government's island retreat.

From all the facts in the case, it is apparent that the 49 seamen were given a choice of returning to the Soviet Union or staying on Formosa. In the latter category were included those whose wish seems to have been to make their way to the United States. Of the 49, 29, through the diplomatic efforts of the French Government, went back to the Soviet Union; 20, or more than 40 per cent, remained.

In October 1955, on the recommendation of the Secretary of State, 9 of the 20 seamen from Formosa came to the United States. After they arrived they were put on a parole basis as far as immigration was concerned. Of the 9 seamen, 3 obtained jobs in the Washington area and 6 in the New York area.

From all the facts available, the 6 seamen who worked in the New York area encountered the problems and economic difficulties to which most people, immigrants and citizens alike, are subjected. However, they obtained jobs and the jobs were of such a nature that they were able to earn their livelihood. Their pay amounted to roughly \$50 or \$60 a week. Their scale of living was modest, but they began to make preparations which reflected the desire not only to become American citizens, but to integrate themselves completely into our society. Several of them enrolled in school. Several of them gave evidence of considering marriage to young Russian-American girls in the United States. They gave every indication of appreciating life in the United States and, before that, life on Formosa.

There were a series of efforts on the part of Soviet agents to contact the seamen. For instance, Ryabenko and Shishin were accosted in the New York subway and asked to return to the Soviet Union. There was evidence that threats accompanied this encounter. There was also an episode at a dance hall, at which letters, ostensibly from relatives, were delivered by Communist agents to two of the boys. Shishin was involved in both of these episodes, and he, above all the boys, seems to have been an especial target. Ryabenko received letters which bore appeals for him to return home from his mother, his father, his sisters, and his friends, and were very moving in content.

In February of this year Soviet Ambassador Zaroubin, through the State

Department, asked to talk to the sailors with a view to persuading them to return home. At this time, the sailors wrote letters in reply, which were delivered to Mr. Striganov, the counselor of the Soviet Embassy, on March 2, in the offices of the State Department. Lukashkov's letter read:

"All of us, particularly speaking for myself, are now living in America. Here I have found asylum and pleasant human relationships. At the present time I am attending classes studying the English language. I am getting accustomed to life in America and I like it here. The only thing disturbing me is the fate of my dear ones whom I have left behind in the Soviet Union. Since I am not in a position to help them, I pray to God for their protection. I want to live and work in peace. I understand perfectly that there is no road back to the past. I believe that any discussion regarding the subject will lead to no good whatever."

The other letters were similar in content. Unfortunately, they did not end the matter in the eyes of the Soviet authorities.

The Subcommittee was able to go extensively into the cases of Soloviev, Ryabenko and Vaganov, but its findings are to the effect that the existence of the other seamen was generally comparable.

Viktor Soloviev lived in a suburb of New York City, and had a job with a small manufacturing firm there. He lived in a rooming house, and with the assistance of an intelligent Russian-American, Colonel Vladimir Rudolph, who seems to have been close to him, began to accustom himself to our ways. He also saw, from time to time, the other seamen who worked in and about the New York area. Soloviev led quite an uneventful existence, free from any contact with Soviet sources, up until April 1956.

While he was in the George Washington Hotel in New York City, where he had been staying after a nose operation, and lying on his bed in the early afternoon of April 5, Soloviev was surprised by the incursion into his room of two Soviet citizens who flashed credentials which Soloviev believed to be those of the Soviet delegation to the United Nations. The two men bore letters purportedly written by Soloviev's mother, which Soloviev did not read but put on his table. He did this so that what was in the letters would not influence him in a decision which he felt was about to be imposed on him. Soloviev subsequently acknowledged that he was frightened by this visit. The men asked him to return home to the Soviet Union, and when he refused to do so, they asked that he go to the home of Arkady Sobolev, Chief Delegate of the Soviet Union to the United Nations, and discuss the thing with him. Soloviev's reply to the Soviets was: "You must know who I am, a political criminal, a so-called enemy of the people."

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I am young, just 20 years old. If I were 40 years old, I would return to Russia and sit another 20 years in prison, but I am young and I like it here and I would like to stay. I did not betray my mother. I like my mother, but if I returned I wouldn't see her anyway. I am not a betrayer of my people. I love my people even more than the American people. But I don't want to return."

While in the room, however, the two Soviet representatives, according to the sworn testimony of Soloviev, perpetrated an act of force and violence in that, when Soloviev walked into the washroom, they bolted the door of the hotel room. This act terrorized Soloviev and caused him to adopt a ruse to persuade them to depart. He told them that a representative of the Church World Service was due at the hotel at 2 o'clock and that therefore they had better leave at once -- a statement which was not true but which succeeded in terminating the interview.

Soloviev testified that the men called again the next morning (April 6th), this time on the telephone, and that he put them off by making an appointment to meet them at a fixed streetcorner. Instead of meeting them, however, he proceeded to his home in the suburbs, and notified Church World Service.

Meanwhile, another of the boys had also had visitors. The Federal Bureau of Investigation learned on April 6 that Shirin, who worked in Clifton, New Jersey, was called out of his job at 6:30 p.m. on April 5 by two unknown men. He returned to his work, but the men returned again at 10:00 p.m. When he returned from this second interruption, he remarked: "Why don't they let me alone?" Later, after work, he stopped at a tavern where he remarked to a friend that he was about to report the incident to the F.B.I. The friend urged him to do it the following morning (April 6th). Shirin replied: "Tomorrow may be too late. They have already taken one of my friends." He then used the words "Secret Police" and "at the point of a gun". (The latter expression, according to the F.B.I. informant, could have been figurative.)

On the night of April 5, Soloviev, Shirin and Lukashkov became convinced that they had to band together to make some kind of courageous decision. Lukashkov, too, had been the object of a visit from Soviet officials, contemporaneous with Soloviev's. By this time, moreover, they had learned that Shishin (another of the sailors) had visited the Soviet delegation, and apparently was in the hands of the Soviet authorities.

The three (Soloviev, Shirin and Lukashkov) met together in International House at Columbia University and talked until 5 o'clock in the morning of April 6, when they joined in a firm resolution not to go back to the Soviet Union. Soloviev has quoted Lukashkov as saying: "I am not a small child and I know what

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it would do to me if I went back." As already noted, Soloviev testified that the Soviet agents phoned again that same morning. He told the agents that he would see them at 3 o'clock that afternoon (April 6), and then called Shirin and Lukashkov at International House, but now he was not able to speak with them. He experienced a fear, which was intuitive only, that even as he was trying to reach them on the phone there was someone with them. Soloviev never saw these two seamen again.

As for the remaining two, Vaganov and Ryabenko, they were employed in Paterson, New Jersey, and earned approximately \$55 to \$60 a week. They resided in a small house that adjoined a larger house in Paterson. The people from whom they rented their living quarters were Mr. and Mrs. Kowaliew, a Russian-American couple who befriended them and apparently made them comfortable with respect to the material needs of life. According to the Kowaliews, both boys were good tenants, dutiful with respect to their work, and exemplary as far as their living habits were concerned.

The boys' employer testified that on the night of April 5, there was coming to them in earned pay more than a week's salary. Furthermore, Vaganov had opened a bank account on the 5th of March and had made an initial \$20 deposit in his account.

On the night of April 5, however, shortly before they returned from work at 5 p.m., two persons described as Soviet officials paid them an unsolicited visit. When Mr. Kowaliew visited the boys' house after the Russians had arrived, he noted that the boys were pale, frightened and ill at ease. The Russians indicated to Kowaliew that they did not care for his presence in the boys' living quarters. The boys made an effort to go out and buy something to drink and Kowaliew, knowing that they had no money because they were to be paid the next day, offered to make the necessary purchase. The Russians, however, headed him off, and one of the Russians and Ryabenko went to a local liquor store and apparently bought 3 pint bottles of Smirnov vodka and 7 bottles of beer. From that time on, no person friendly to the free world seems to have communicated with Vaganov and Ryabenko, except for income tax authorities and immigration officials who had perfunctory meetings with the boys while they were shepherded by Soviet officials.

Nor are there any witnesses to what transpired in the little house in Paterson that night; but when Mrs. Kowaliew returned home shortly after midnight from her regular night employment, she noticed that the lights were still on in the little house. She noticed again at 3 o'clock and later that the lights were still on, and expressed concern to her husband that this was not right in view of the

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fact that the boys had to be at work early the next morning. She testified that her daughter, before going to school, saw the two boys and the Soviet representatives leaving the premises with suitcases. There were no other eye witnesses to the events. However, the condition of the rooms when they were first entered by Kowaliew on that morning of April 6th bore mute but revealing testimony to what must have transpired.

There was wild disorder apparent at once. The rug in a bedroom was rumpled, a bed was pulled from its resting place, tables were out of position, the bedclothing itself was in wild disarray, there were photographs torn and scattered over the floor, phonograph records were smashed, and, most significant of all, there was a bloody shirt and undershirt which Kowaliew testified had been worn by Ryabenko when the Russians arrived the night before. The Kowaliws brought the shirt when they testified and turned it over to the committee. It bore a large hole over the right breast pocket that was very conspicuous. According to the Kowaliws, both the shirt and the undershirt were bloodstained when they were found. Mrs. Kowaliew had washed the shirt, intending to use it as a washrag after it had been abandoned by the boys.

The Kowaliws both assumed that the boys had been kidnapped by the Russians. That, however, was only a conclusion on their part, based on all that they had seen the night before and found that morning in their rooms. The employer of the boys, when they did not arrive by noon that day, sent a Russian-American fellow employee to the Kowaliws' home to find out what had happened. When he discovered the conditions that spelled kidnapping to the Kowaliws, he reported this fact at once to the F.B.I. That evening, the F.B.I. interviewed this Russian-American youth and obtained some of these particulars.

The F.B.I. had thus learned many of the events involving Ryabenko and Vaganov in Paterson (but not the incident of the bloody shirt) on April 6, and on the "afternoon and evening" of that day orally informed the Immigration Service, the Justice Department, the C.I.A. and the State Department of these and also of the aforementioned episode involving Shirin.

Sometime during the afternoon of April 6, the 5 seamen (Ryabenko, Vaganov, Shirin, Shishin and Lukashkov), in the company of two Russian officials, appeared at the Internal Revenue Service office in New York and routinely acquired income tax clearance. The subcommittee interviewed the tax people involved, who stated that they had interviewed the seamen and ascertained that they owed no taxes because the amounts that had been deducted from their pay would have exceeded the amounts that they owed, according to their calculations.

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On the afternoon of April 7, the 5 seamen, accompanied by a large number of Soviet officials, appeared at Idlewild airport at approximately 3:10 p.m. According to the testimony, they were completely surrounded by this group of Soviet officials, estimated to be between 15 and 20 in number. They were interviewed perfunctorily between 3:10 p.m. and 4:25 p.m. at the Immigration office and were asked whether they wanted to return home to the Soviet Union. Jan Van Hoogstraten of Church World Service testified that, even though he had been counselor to the boys, he was not allowed to be at the hearing. In fact, he testified that he had been advised by a representative of the Central Intelligence Agency that it would not be necessary for him even to be at the airport. He eloquently voiced his concern by saying: "I simply could not believe that the same Government which deliberated 8 months or 7 months to admit these people could decide in 5 times 5 minutes to let them go."

Mr. Van Hoogstraten recognized the Soviet official who seemed to be in charge of arrangements. This official was Konstantin Ekimov, First Secretary of the Soviet UN Delegation, who attends classes on the McCarran-Walter Act with Mr. Van Hoogstraten at New York University.

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At the Immigration hearing itself, in the presence of the Chief Soviet Delegate to the United Nations, Sobolev, routine questions were asked of the boys such as: "Where did you get the nice suit of clothes you have?"; "Don't you like it here in the United States?"; Why are you leaving?"

When the question "Do you think you have been fair in your dealings with the United States?" was asked, Sobolev at that time objected to the question and did not permit the boys to answer.

The plane, a Scandanavian airliner, bearing the 5 seamen and 2 Soviet officials, took off at 5:00 p.m. The following is a description, taken from the testimony, of the comportment and demeanor of the boys after the plane took off: "They didn't smoke; they didn't speak; they didn't read the newspaper. They just sat there on the airplane, just practically the whole way in. I mean, apparently, . . . the discipline at that point had reached the point where the discipline was fairly strict."

On April 27, while the hearings of this Subcommittee were in progress, there was released from Moscow a statement purportedly signed by the five seamen who had returned to the Soviet Union. The statement contended that the sailors were threatened and beaten on Formosa; that they had been planning, throughout their stay on that island, ways and means of escaping to some country where there was Soviet diplomatic representation; that they had learned from a newspaper report of the Soviet representative's address in New York and that while in the United States they were surrounded by agents and people hostile to the Soviet Union.

The four seamen still in the United States testified categorically that their treatment, as well as the treatment of the five redefectors, was good; that all nine had known at all times of the address of the Soviet representative in New York, having been taken on a tour of the UN when they first arrived in the United States and even shown the office of the Soviet delegation. They further testified that the five seamen in Moscow reflected every intention of staying in the United States, and had even joined in writing for publication in a New York newspaper an account of the friendly treatment they had received on Formosa and since their arrival in this country. In this letter, published on December 21, 1955, the seamen declared they had come to the United States "to stay", had "deliberately chosen to live in the United States", and "are grateful to the American people for their hospitality".

Moreover, the committee received testimony that on January 16, 1956, 7 of the 9 seamen had addressed a letter to the editor of the Saturday Evening

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Post, warning that Stewart Alsop's article, "Those Smug, Smug Russians", in the issue for December 31, 1955, indicated that Alsop had been deceived by Soviet intelligence organizations during his trip to Russia. They cited their own decision to remain here as evidence that Alsop was mistaken.

Finally, in a phone call from Taipei, Formosa, to Washington, on May 2, 1956, Vladimir Benkovich, one of the seamen still on Formosa, read for the record portions of letters written from this country, by the seamen who subsequently redefected, to their comrades on Formosa. Without exception, these letters spoke highly of the United States, and clearly indicated that the writers planned to live here permanently.

On April 25, 1956 the State Department sent a note to Russian Ambassador Georgi N. Zaroubin referring to the circumstances surrounding the departure of the five seamen from the United States for the Soviet Union on April 7. The State Department held, after thorough investigation, "that members of the Soviet delegation to the United Nations assumed authority and engaged in activities with respect to the seamen which are incompatible with the status of the Soviet delegation." The State Department contended that "the conduct of Aleksandr K. Guryanov and Nikolai Turkin was particularly objectionable." The Department further objected to the intervention of the Chief Soviet Delegate to the United Nations, Arkady Sobolev, "despite the presence of an accredited representative from the Soviet Embassy in Washington, during the interview conducted at Idlewild by the authorities of the Immigration and Naturalization Service prior to departure of the seamen." The State Department concluded that "members of the Soviet delegation to the United Nations thereby performed acts of an improper character exceeding the scope of their official capacity and thereby abused the privilege of their residence in contravention of the terms of the Headquarters Agreement between the United States and the United Nations."

The Department called upon the Soviet Government to "instruct Ambassador Arkady Sobolev and his staff henceforth to adhere to their recognized functions." It further declared that the presence of Aleksandr K. Guryanov and Nikolai Turkin in the United States was no longer desirable and demanded that arrangements be made for their departure.

On April 27, 1956, after the shocking facts had been brought to light through the public hearings of this Subcommittee, Soviet Ambassador Georgi Zaroubin, in Washington, requested and was given an opportunity to talk separately with each of the 4 remaining seamen, under the supervision of Immigration authorities, on the occasion of their routine parole report. Once again

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Mr. Van Hoogstraten sought to be present; but Ambassador Zaroubin demanded that he be compelled to leave, and Mr. Van Hoogstraten agreed to do so.

Zaroubin urged each of the seamen to return to the Soviet Union, offering them such inducements as promises of lenient treatment, a return to their old jobs, etc. To Soloviev, Zaroubin delivered yet another letter from his mother. Each of the seamen in turn, however, flatly turned the Ambassador down.

On May 1, 1956 Senator Eastland, as Chairman of the Senate Internal Security Subcommittee, wrote to the Honorable Henry Cabot Lodge, Jr., Chief Delegate to the United Nations for the United States, charging that on the basis of testimony heard by his committee it was clearly indicated "that Chief Delegate Arkady Sobolev of the USSR delegation to the United Nations and his staff have exceeded the scope of their authority in their drastic efforts to

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persuade, force and coerce the nine Russian seamen who found sanctuary here in the United States to return to the Soviet Union."

Mr. Eastland included portions of the testimony in support of this statement. Senator Eastland then asked Mr. Lodge "to call formally upon the United Nations to do everything in its power to prevent further wanton abuse of the hospitality of the United States by Chief Delegate Sobolev and his staff."

Shortly thereafter Mr. Lodge replied condemning the type of conduct described as "reprehensible in the extreme".

On May 8, 1956 Mr. Lodge informed Senator Eastland that he had called upon United Nations Secretary-General Hammarskjold, urging that "the United Nations should do everything in its power to prevent further abuse of the hospitality of the United States by the Soviet representative, Mr. Sobolev." He further pointed out that "such abuse of the privilege of residence in the United States by the Soviet Delegation contravened the provisions of the Headquarters Agreement between the United States and the United Nations."

EXPLANATIONS

On the 4th of May, the Internal Security Subcommittee took testimony from representatives of the State Department, the Central Intelligence Agency, the Immigration and Naturalization Service and the Internal Revenue Bureau. Those portions of the testimony which contain and explain the policy and action of the respective departments follow herewith:

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Mr. Morris. Now, have there been any policy decisions made by the State Department with respect to the attitude that INS should take toward the departing seamen?

State Department Official. Were there any policy -- ? Yes, there were ; yes.

Mr. Morris. Will you tell us about those, sir?

State Dept. Official. Yes. On the Friday night before the departure, INS informed us of the impending departure of the sailors on Saturday, and they asked our advice, and we were in constant touch with INS and a certain agency, and the question came up as to the propriety of their departure. The State Department was interested in two things: that there was not evidence of criminal action on the part of the Soviet officials, that is to say, of open duress or force, and things of that kind; and the second thing we were interested in was that the sailors should be given opportunity to freely declare, themselves, that they were going home by their own free choice.

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Those were the two matters we were chiefly interested in.

Mr. Morris. Was consideration taken of the fact that their redefection would be a psychological setback, let us say, or diplomatic setback for the United States?

State Dept. Official. It was. We felt that it might be a setback and also might be a benefit, and we are proud of the fact in our country that people can come here, and if they do not like to stay here, they can leave freely.

On one side, it was an advantage for the Soviets. They wanted to get these sailors back. On the other hand, we felt our record looked very well from the standpoint of world opinion, as contrasting our system with that of the Soviets. People can come here and leave as they wish.

Mr. Morris. Wouldn't the impression be given, sir, that these sailors had come to the United States from the Soviet Union and stayed here eight months, and then having seen the United States, then elected to go back to the Soviet Union?

State Dept. Official. That is certainly the impression the Soviets would like to give, and the one that they use in their propaganda. We, on the other hand, are quite proud of the fact, as I say, that they came here, and if they chose to go home, they were permitted to go home.

Mr. Morris. Now, did the State Department advise Immigration on what policy to take?

State Dept. Official. Yes, sir, they did.

Mr. Morris. What was the advice that the State Department gave to Immigration?

State Dept. Official. As I say, we first asked if there was any evidence of force or duress, and we were told by the various authorities that there was no direct evidence which could be used for criminal action. Then, secondly, as I say, we advised and requested INS to have an interview arranged with the sailors before they departed from this country to ascertain whether they were leaving of their own free wish.

Mr. Morris. In other words, you felt, sir, that if the evidence of duress was short of that standard which would be required for criminal conviction, that if it were anything short of that, you would waive that aspect of the matter?

State Dept. Official. Yes, sir.

Mr. Morris. And then failing that, you would recommend that they be given the opportunity to freely declare themselves?

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State Dept. Official. Yes, sir.

Mr. Morris. Now, was there any other advice transmitted by the State Department to the Immigration authorities?

State Dept. Official. Not to my knowledge.

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Mr. Morris. In other words, did you have all the facts of what took place in the boys' rooms in Paterson, sir?

State Dept. Official. You mean, that night or just before they left?

Mr. Morris. Well, the testimony about that particular episode is when the landlord went to the room the following morning, and he described in great detail the condition of the room. For instance, the rug was crumpled, the beds were disarrayed, pictures were broken.

Senator Jenner. There was a bloody shirt.

Mr. Morris. There was a bloody shirt and there was a bloody undershirt. Now, did the State Department know that?

State Dept. Official. To my knowledge, we did not know of that.

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Mr. Morris. Now, was there any advice that you gave the Central Intelligence Agency at any time?

State Dept. Official. I don't believe so. It was a tripartite consultation, actually, on Friday night and Saturday morning. I think the other agency was giving us advice of one kind or another. It was consultation between the three.

Mr. Morris. What was the advice that they were giving you, sir?

State Dept. Official. As far as I know, they were also interested in establishing whether any criminal action had been committed.

Mr. Morris. And that was, again, the standard?

State Dept. Official. Yes, sir.

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Immigration Officer. Following the initial approach to us in connection with the matter, the question was raised as to how they could be brought to the United States if the final policy decision was made to bring them here. And we made reference to the fact that they might possibly be regarded as temporary visitors or, if it was felt that it was in the national interest that they be brought to the United States, perhaps the parole authority of the Attorney General, under Section 212(d)(5) of the Immigration and Nationality Act, could be utilized.

After that conversation, there were additional discussions concerning

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the possibility of bringing them here, and I may say that I conducted those discussions myself, and I did advise at that time that before we would make any representations whatsoever to the Attorney General -- when I speak of "we", I mean the Immigration and Naturalization Service -- concerning the matter of bringing them to the United States, we would have to know about:

- (1) Were they thoroughly screened from a security standpoint;
- (2) We would have to have a document made available showing that they could be returned to Formosa if they were actually brought to the United States;
- (3) That we would insist on having a Government agency sponsor, officially sponsor, the group; and
- (4) That we would have to have representations from the State Department that their entry into the United States was in the national interest.

* * * * *

The parole arrangement entered into between the Immigration Service and another Government Agency stipulated that the parole was for a period of one year only, subject to such extensions as we might wish to authorize. It required that Agency to file a detailed report with the Service at the end of each month, showing where they were located, any changes of address, any changes of employment, and any unusual features that might have developed during the course of the month.

It was further provided that the parolee was to report to that Agency once a week.

It was further provided that if any unusual features might have come up during the month's period which we would have an interest in, that it was also to be furnished to us.

These parole reports in the individual cases were filed and the conditions all met and stipulated by the Agency concerned. The reports were filed as required, and the last report was filed April 2, 1956.

Mr. Morris. Now, did the INS receive any intelligence that indicated that any of the terms of the parole were being violated or -- a less strong word than "violated" -- that they might possibly be violated?

Immigration Officer. No, sir. We did not -- up to what point, now?

Mr. Morris. Up until April 2nd.

Immigration Officer. Up to April 2nd, we did not have any reason whatsoever, not did we receive any information that these men had in any way violated the conditions of their parole.

Mr. Morris. So the period between October, 1955 and April 2, 1956, was without incident?

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concerned? During that period, everything that happened was routine?

Immigration Officer. So far as we knew.

Mr. Morris. In other words, the reports that you got all indicated that the men were not violating their parole and that their stay in the United States was going along well?

Immigration Officer. That is right, sir.

Mr. Morris. Now, what happened after April 2nd?

Immigration Officer. On the afternoon of April 6th, at approximately 4:30 in the afternoon, I received a call from the State Department to the effect that they had received information that one Victor Soloviev, one of the Tuapse seamen, was in the office of the Church World Service in New York, and he had passed information on to the effect that five of the crewmen were about to re-defect to the USSR.

* * * * *

Immigration Officer. At about the same time, or approximately a little earlier, like advice was received in our Intelligence Division furnished by the Central Intelligence Agency. Following receipt of that information, it was passed on to our New York Office where these individuals were located. Shortly thereafter and the same afternoon, April 6th, an inquiry was directed to us from the Central Intelligence Agency as to whether or not we could take action to prevent the departure or redefection of these Russian crewmen.

Mr. Morris. If I understand that, sir, the Central Intelligence Agency asked you if you could take action?

Immigration Officer. That is right. That Agency was advised that in view of the fact that the seamen were brought to the United States on the recommendation of the Secretary of State that it was in the national interest, and considerable international foreign policy questions were involved, and further in view of the fact that the authority, the primary authority, under the departure control regulations rested with the Secretary of State, that we as a Service would not take any action to prevent departure based on the information which we knew at that time.

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Immigration Officer. I say that for the reason that if information had been developed at the time of the interviews at Idlewild, that there was intimidation or coercion, our staff officer had been instructed to prevent departure.

Mr. Morris. Now, sir, you did have legal authority to stay the departure of the seamen, did you not?

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Immigration Officer. Under Section 215 of the Immigration and

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Nationality Act, the power to prevent departure of an alien is given to the President of the United States. That power was subsequently delegated to the Secretary of State. The Secretary of State, in drafting his regulations, recognized that he would have to utilize the services of the Immigration and Naturalization Service because we are the only agency that have officers at ports-of-entry that could execute his powers.

So therefore, in his regulations, our officers were designated as departure control officers, and those officers were given power to prevent, temporarily to prevent, the departure of certain categories of individuals.

Mr. Morris. There are nine classifications, are there not?

Immigration Officer. Yes.

Mr. Morris. -- and nine circumstances under which you have the discretion whereby you can arrest the departure of an alien?

Immigration Officer. That is right, sir.

Mr. Morris. Could you tell us what they are, sir?

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Immigration Officer. Yes. It is Title 22, Code of Federal Regulations, entitled "Foreign Relations," Part 46, entitled, "Control of Aliens Departing from the United States," Section 46.3, categories (a) through (j).

Is that adequate?

Mr. Morris. That is adequate.

However, it is the position of INS in this that the power was not exercised on the part of the Immigration Service because it had been advised by the State Department that under the circumstances these men were not to be retained; is that right?

Immigration Officer. That is right, but with this caveat, that if our officers at the time of departure were satisfied that the men did not want to go and were being coerced, intimidated, or whatever you may want to call it, they would have stopped them, and they had instructions to that effect.

Senator McClellan. Let the Chair ask you at that point, what did you do to ascertain whether they were being coerced or intimidated before you consented for them to go? What precaution did you take?

Immigration Officer. We instructed our office at Idlewild, New York, to have an officer interview each of the individuals separately to determine whether or not he was leaving the United States voluntarily.

Senator McClellan. Was that done? Were those instructions carried out?

Immigration Officer. They were, sir, in this manner: On the arrival

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of the seamen at the SAS air counter, Idlewild, New York, they were advised by the immigration officer that he wished to interview each one of them separately.

Mr. Morris. Now, who accompanied the seamen at this time?

Immigration Officer. On the arrival at the counter of the SAS airline by our officer, there was a large number of individuals standing around the counter.

Mr. Morris. Soviet individuals?

Immigration Officer. That I cannot say. I can only say that there were a group of individuals standing around the counter. Our officer asked the ticket agent of the airline to identify the seamen for him so that they could be taken to the office for questioning. Before the airline official could answer, a representative, who identified himself as a Soviet official, stated that he was representing the group.

Mr. Morris. Did he give his name?

Immigration Officer. No, sir, he did not.

Mr. Morris. Was there any effort made to ascertain whether in fact he was a Soviet official?

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Immigration Officer. Before any further action could be taken, Ambassador Sobolev to the United Nations appeared on the scene, and he stated that he would take charge, and on being advised by the Immigration officer that he wished to question the seamen separately, he stated that he would not allow them to be questioned unless he were present.

Mr. Morris. Of course, that position would be inconsistent with regulations, would it not?

Immigration Officer. It has been the established policy and procedure worked out with the State Department that if a representative of a foreign power wishes to be present during the interrogation of his nationals, we have permitted it. In pursuance of that policy, the Ambassador and an individual identified as his counsel, were permitted in the room,

Mr. Morris. Do you know the name of the counsel?

Immigration Officer. No, sir, I do not, but I can probably supply that for you.

* * * * *

Immigration Officer. It must be borne in mind that during the interview the following persons were in the room: The immigration officer who did the interrogation, and another immigration officer who saw that the Ambassador

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and his assistant were kept at a distance from the seamen, so as not to interfere in any way with the questioning, nor in any way could he attempt to intimidate them; the immigration officer conducted his interview and asked each of the men the questions that were pertinent to whether or not they were leaving the United States voluntarily.

Mr. Morris. How many questions were asked in each case?

Immigration officer. So far as the immigration officer was concerned, I should say, roughly, ten questions, all directed to the issue of whether or not they were leaving voluntarily, whether there had been any intimidation, whether or not they were happy here, "Where did you get the nice suit of clothes and "How well dressed you are";, and "Don't you like it here in the United States? you have?";/and "Why are you leaving?" -- questions of that character.

Senator McClellan. Was a record made of those questions? Do you have a stenographic record?

Immigration Officer. There was not a stenographic report of that interview.

Senator McClellan. What is the reason for not making one in cases where you feel that they should be interrogated before they leave?

Immigration Officer. Actually, there is nothing in the regulations, Senator, that calls for a formal hearing of any kind. As a matter of fact, this sort of interviewing is not a regularly established procedure of the Service to the extent that we have given formal hearings, and have stenographic reporting. I think it must be remembered, too, that this thing came about rather hurriedly. Necessarily, the arrangements were a bit impromptu.

Senator McClellan. The very fact that it came about so hurriedly, and knowing that they were in a sense refugees, did that not alert your Department or your Agency to some suspicion of what was taking place?

Immigration Officer. Yes, sir, it did. That is why we had them interviewed.

Senator McClellan. Then under those circumstances, did you have stenographic service available to you so that you might have made a record of the proceedings?

Immigration Officer. We could have provided a record of the testimony taken, but the issues were rather limited as to what we wanted to inquire of at that point, and it was felt that the report of a responsible officer would be adequate in the circumstances.

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Senator McClellan. Now, let me ask you a question. Could the immigration authorities have stopped them at that time and prevented their leaving?

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Immigration Officer. I have previously testified also, Senator, that

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our officers at New York were instructed that if any information came to their attention during the interview or otherwise at the time of the proposed departure, that the individuals were being intimidated and coerced to leave the United States, that they were to prevent their departure,

Senator McClellan. And they were expected to find that out with a personal interview with a top Soviet officer sitting in their presence?

Immigration Officer. That is right.

Senator McClellan. Do you think that would give a fair opportunity to find out?

Immigration Officer. I don't know that we had any other opportunity.

Senator McClellan. You had an opportunity to say, "Well, we can't grant it today."

Immigration Officer. I must, in answer to that question go back to previous testimony which I gave while you were not here, Senator, to the effect that these travel control regulations are actually regulations issued by the Secretary of State, and under his regulations he utilizes our officers who are at the ports-of-entry, to prevent the departure.

These seamen were brought to the United States on representations made to our Service that it was in the national interest that it be done.

* * * * *

Senator McClellan. So the final responsibility for their departure rests with the Secretary of State?

Immigration Officer. With the one caveat again, that if our officers had learned at the airport that they were being intimidated, we would then have exercised the authority.

* * * * *

Mr. Morris. Sir, could I bring out a few things now ~~that have come~~ into the record of the Internal Security Subcommittee by way of asking you whether or not these facts would have been available to Immigration at that time? We had testimony from the landlord of two of the seamen who resided in Paterson, New Jersey, that the boys had been living at his home for a period of several months and that they were happy and content until the evening of April 5th, on which occasion two officials of the Soviet delegation to the United Nations appeared at their home unsolicited. The appearance of these gentlemen at the home of the boys caused them to be very much upset.

It was made clear to the landlord that he was to go away and leave these people alone; that three bottles of Vodka were purchased by the Soviet

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representatives, and seven bottles of beer; that the four of them, the two Soviet seamen and the two Soviet officials thereupon stayed in the room until six o'clock in the morning, at which time they departed,

When the landlord entered the room the next morning after departure of the boys, he discovered that the room was in wild disarray; that pictures had been broken, records had been smashed, a bloody shirt and bloody undershirt were found; the rugs were crumpled, and there were many other evidences that force, and even violence, had been committed in the room.

In the first place, I will ask you, was that information available to the immigration authorities?

Immigration Officer. It was not, sir.

* * * * *

Immigration Officer. I want to make one thing eminently clear for the record, that the decision as to whether or not these individuals should be prevented from departing from the United States on April 7th was not the decision of the Immigration and Naturalization Service. The State Department was advised that we would not make such a decision and that the responsibility was one for the State Department.

Mr. Morris. Except that there was an exception, according to you, and that exception was, unless you ascertained that there was duress being forced upon these seamen?

Immigration Officer. That is right.

Mr. Morris. Now, we would like to know what efforts the Immigration Service made to determine whether or not duress was being forced upon these seamen.

Immigration Officer. On the basis of information available to us, the men were questioned at Idlewild, as I previously testified, and following that detailed questioning, there was no basis for a finding made there that they were being intimidated or coerced to leave the United States.

Mr. Morris. Now, did you affirmatively ask other intelligence agencies, the Central Intelligence Agency, the F.B.I., or any intelligence agency of the State Department, or any inter-Governmental agency, whether or not they had any evidence that duress may have been practiced on these seamen prior to their arrival at the airport?

Immigration Officer. I don't know that we asked them. The natural assumption would be that if they had information, they would let us have it.

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Mr. Morris. That is the point I am trying to make -- in other words -- Immigration Officer. And the evidence that you referred to in your statement was not available to the Service.

Mr. Morris. The point is, Sir, it could well be that there is a practice, a practice of the government operations, that the action agencies expect that all intelligence information would be available up to the time of the decision, or it may be that intelligence agencies expect that before a decision is made by an action agency, they will inquire of the intelligence agencies what the facts are.

In this case, it seems to be an important point, as to who has the burden of coming forward, whether the intelligence agencies at all times have the burden of coming forward with the evidence, or would the action agency consult with the intelligence agencies before they make a decision.

Immigration Officer. And in this instance, the action agency was the State Department.

Mr. Morris. I think in this case, inasmuch as you said that the State Department set out certain conditions, under which you could exercise the authority to arrest the departure of the seamen, namely, if there was duress present, if you learned that there was duress present, either at the airport or from any other source, and you were the action agency, at least within that limitation.

Immigration Officer. Within that limitation, yes, sir.

Mr. Morris. Now, the point is, what steps did the Immigration Service take to ascertain whether or not there was being duress practiced?

Senator McClellan has brought out that what you did was to have an interview in which ten questions were asked in the presence of the Soviet Ambassador, preceded by a demand on his part that he would not allow these men to enter the hearing unless he were present, which fact alone indicated to the men to a certain extent, that he was exercising his strong position in the hearing.

Now, the point is, did INS do anything else to determine whether duress was being practiced?

Immigration Officer. No, sir, we did not. But there was consultation with the Government agencies, Central Intelligence Agency and the State Department, over that week-end, before the departure.

Mr. Morris. Now, April 7th is a Saturday morning.

Immigration Officer. That is right.

Mr. Morris. The consultation took place when?

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Immigration Officer. It took place on Friday evening and on Saturday morning.

Mr. Morris. At that time was this evidence of duress that is now being uncovered -- was that evidence available or was it discussed at any time during those conferences?

Immigration Officer. It was not made available to the Immigration and Naturalization Service at that time.

* * * * *

Mr. Morris. Did Mr. Van Hoogstraten of the World Church Council, who from time to time acted as counsel for the boys -- was he at the airport at the time?

Immigration Officer. He was not, sir.

Mr. Morris. He was at the airport, was he not?

Immigration Officer. Our report of our officer makes no reference to Mr. Van Hoogstraten being at the airport, and on my questioning of the officer, he stated that he had never heard of the man, had never met the man, and he was not at the airport that afternoon so far as he knows.

Mr. Morris. Are you aware of his testimony where he said that he sought to attend the hearing of the boys and was denied entrance?

Immigration Officer. I have heard that statement, sir.

Mr. Morris. But to your knowledge, you have no knowledge that would support the statement of Mr. Van Hoogstraten to that effect?

Immigration Officer. So far as our Service is concerned, he never made any application to be present.

Mr. Morris. Have you any evidence to refute Mr. Van Hoogstraten's statement that he sought entrance?

Immigration Officer. Other than the statement of the officer, no.

Mr. Morris. But the officer's statement was negative in effect? In other words, he did not know of any request on the part of Mr. Van Hoogstraten?

Immigration Officer. Let me broaden my testimony. Mr. Van Hoogstraten did not approach anyone in the Service, in the Immigration Service, for permission to appear at that interview.

Mr. Morris. Now, you make that statement after a full investigation into that particular point?

Immigration Officer. That is right, sir.

Mr. Morris. And your statement is more than a statement to your knowledge that you know of no immigration official who --

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Immigration Officer. That is right.

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Senator McClellan. May I ask you this question: You knew that there was a campaign on the part of the Soviets to get these folks to redefect. Do you think that the procedure that is now followed that permits their departure within 24 hours after you get notice that they will undertake to depart -- do you think that allows sufficient time for the Immigration authorities or for the State Department or any other agency of government that may have a responsibility, to make such an investigation as is necessary and would be necessary to determine the circumstances under which their departure is to be made when they have been coerced into it, or whether they have finally come to a conclusion of their own volition and free will to return to Russia? Do your procedures as now provided by rules and regulations and by practice permit your agency, or service, to perform its function so as to protect the best interests of the United States?

Immigration Officer. As to possible redefectors in the United States, such as these Tuapse seamen and seamen off the ships, Polish ships, Praca and the Gottwald, we have a very close working relationship with those men. They must come to our offices every two weeks for an interview. They have been advised that if they are bothered in any way, in any sense, in any manner, they are immediately to get in touch with our officers. We have 24-hour service where they can call us.

We have worked out arrangements with the local police and, of course, with the Federal Bureau of Investigation, that we will give them protection. We have had a few instances in the past couple of weeks where there have been approaches made. We are attempting to identify the individual that makes the approaches through various and sundry means.

As to that group, Senator, we are doing everything humanly possible.

Secondly, as to the group generally that might want to redefect, we have contacted all of the carriers, both surface and airborne, to immediately let us know if anybody books passage on aircraft going to any satellite country or to Russia so that we can immediately contact the individual to see whether or not this is voluntary, giving us more time to look into it, to check any security reports and any background that we might have, and in that manner, Senator, we are trying to the best of our ability.

But if in the final analysis the individual tells us he wants to leave, and wants to go, I do not really think that there is much we can do about it

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unless there is some --

Senator McClellan. Then it would be well to have a 30-day rule, that before they can leave the country, they have to apply and give notice that they plan to return so as to give not only your service but others having any responsibility, to give them time for an investigation to ascertain whether they are really under duress or coercion.

Would not such a rule or procedure afford better protection to them as well as serve the best interests of our country, rather than let them be able to do it on just a few hours' notice?

Immigration Officer. I can see value in that Senator, yes. But I think we cannot lose sight of the other considerations. Complaint will then be lodged that you are deviating from a policy that you have had from time immemorial.

Senator McClellan. You have to deviate from policies to meet contingencies if a contingency embraces some danger to our country and to our welfare.

Immigration Officer. Then are we prepared to meet the retaliation that will come on our people?

Senator McClellan. I am pretty sure we are, sir.

Immigration Officer. I mean, those are only considerations that come to my mind.

Senator McClellan. I do not know that we have been shown any consideration. They have held them for years over there. I do not know how they could retaliate any worse than they have in the past. They certainly have not responded to our graciousness in consideration of them, and I think the only way you are going to get some response is to feed them a little of their own diet. I do not know. I might be all wrong, but this softness with them is not serving our interests very well.

This is not personal criticism of you. I do not know at the moment whose responsibility it is to establish such a rule, whether your service has the authority or whether that authority is reposed in our State Department. I do not know at the moment. But I just am wondering, in view of the experience we have had recently, whether anybody is giving any thought or consideration to tightening this thing up.

* * * * *

Mr. Morris. May I ask a few questions, Senator, on this point?

Senator McClellan. Surely.

Mr. Morris. Sir, you mentioned that you had several other instances where aliens could be reported to you intimidation. Would it be possible for

us to learn the identity of those so that we might look into the nature of the Soviet intimidation involved?

Immigration Officer. Could I check into that and let you know, Mr. Morris?

Mr. Morris. Would you? You see, that is precisely what this Subcommittee is endeavoring to do, to try to find out what steps the Soviet agents are carrying out in this country by way of intimidating people, and you have just mentioned that several people have reported that, and that would be directly within the scope of our inquiry.

Immigration Officer. I mentioned that case particularly because it showed that we as a service were trying to keep ourselves alerted.

Mr. Morris. Yes. You see, at the same time, why we require that information sir.

Immigration Officer. I know. I realize that.

CONCLUSIONS

1. The Chief Delegate of the Soviet Union to the United Nations, and his staff, exceeded the authority granted to them by the Headquarters Agreement of the United Nations and abused the hospitality of the United States.
2. Chief Delegate Sobolev's staff used coercion, force and duress in their efforts to induce the nine sailors to return home.
3. The fact that Soviet representatives, of Ambassador and Chief Delegate rank, personally interviewed the seamen reflected the extraordinary importance the Soviet Union attached to inducing and trying to induce the sailors to return home.
4. The four seamen's open defiance of Ambassador Zaroubin was a setback to Soviet prestige.
5. The defection of the five other seamen was a psychological warfare success for the Soviet Union.
6. The statement ascribed to the five seamen after their return to Moscow was demonstrably false and contrary to established facts.
7. There has been demonstrated an apparent weakness in the Soviet merchant marine, in that 40 per cent of the crew of the Tuapse, when given an opportunity to choose freedom, did so despite the inevitable detachment for an unforeseeable time from their wives, parents and children.
8. Our Government agencies were not sufficiently aware of the strategic importance of defection and defection in the struggle between the free world

and the Soviet world.

9. There was no sufficient exploitation of the original defection of the 20 seamen in 1954 from a psychological warfare point of view.

10. The State Department's invocation of an impossibly high standard of evidence, in determining whether duress and force were used against the seamen, was unrealistic in view of the subtle nature of effective duress in defection cases and in view of the ruthless methods of the Soviets.

11. The State Department and the Immigration and Naturalization Service had ample power and discretion under Section 46.3, Part 46, Title 22 of the Code of Federal Regulations to delay the departure of the seamen.

12. The Immigration and Naturalization Service made no effective or realistic efforts to learn whether force and duress had in fact been used by Soviet agents.

13. Unjustified and unnecessary concessions were made by American officials in response to Soviet pressures and truculence.

14. Despite the long period of bondage there is great courage within the breasts of some of the Russian people.

RECOMMENDATIONS

1. That the State Department ask for the recall of Chief Delegate Sobolev and First Secretary Ekimov of the Soviet Delegation to the United Nations.

2. That Ambassador Lodge pursue his protests to the United Nations and ask that international body to make efforts to prevent Soviet personnel at the United Nations from subjecting human beings who seek asylum here from force, coercion, duress and violence.

3. That the incident be borne in mind by our State Department in the forthcoming Soviet Campaign to seat Red China in the United Nations and gain for her diplomatic recognition, because of the menace that a Chinese Communist delegation to the United Nations and a Chinese Communist Embassy and Consulate would pose to the large Chinese-American communities in the United States.

4. That the Government take steps to limit more effectively the movements and activities of Soviet and other Communist diplomatic personnel in this country.

5. That Congress and the Executive agencies responsible for escapees, defectors and immigration generally study the record of this unfortunate episode, with a view to tightening current laws and current practices in order to prevent its recurrence.